

Date: July 21, 2003

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Botstein, et al.  
App. No. : 09/866,034  
For : SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME  
Filed : May 25, 2001  
Examiner : L. Spector  
Group Art Unit : 1647

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop INTERFERENCE, Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 21, 2003

(Date)

Sam K. Tahmassebi, Reg. No. 45,151

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Alexandria, VA 22313-1450

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Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 20, 2003 of the Primary Examiner finally rejecting Claims 27, 28 and 32-35. The items marked below are appropriate:

(X) An extension of time to respond to the final rejection for one (1) month is hereby requested.

Filing Fee:

☐ \$160 (small entity)  
☒ \$320 (large entity)

Time Extension Fee (if applicable):

☒ one month (\$110 large entity)  
☐ two months (\$410 large entity)  
☐ three months (\$930 large entity)

(X) Enclosed is a check in the amount of \$430.

(X) Return prepaid postcard.

(X) Please charge any additional fees or credit overpayment to Deposit Account No. 07-0630.

Signature:

Sam K. Tahmassebi  
Registration No. 45,151  
Customer No. 30,313  
(619) 235-8550

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AND INTERFERENCES

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Botstein et al.

Appl. No. : 09/866,034

Filed : May 25, 2001

For : **SECRETED AND  
TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Examiner : Spector, L.

Group Art Unit 1647

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July 21, 2003

(Date)

Sam K. Tahmassebi, Reg. No. 45,151

NOTICE OF APPEAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTENTION BOX: AF

Dear Sir:

Applicants hereby appeal the Examiner's final rejection of Claims 27, 28, and 32-35, i.e., all of the pending claims of the above-captioned patent application, in the Final Office Action dated March 20, 2003, and reiterated in the Advisory Action dated July 3, 2003.

08/01/2003 14:00:00 09/866,034 09/866,034

01 FC:1801  
02 FC:140114:00:00  
14:00:00

Appl. No. : 09/866,034  
Filed : May 25, 2001

Applicants hereby petition for a one month extension of time, which extends the time period for filing the present Notice of Appeal to July 21, 2003, July 20, 2003 being a Sunday. Applicants have enclosed a check in the amount of \$430, which includes the Notice of Appeal fee of \$320 and the one month extension of time fee of \$110. If this fee is incorrect, the Commissioner is hereby authorized to charge or credit Deposit Account No. 07-0630.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

July 21, 2003

By:

Sam K. Tahmassebi

Sam K. Tahmassebi  
Registration No. 45,151  
Attorney of Record  
Customer No. 30,313  
(619) 235-8550

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